

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05
PRS-01 SP-02 SS-15 USIA-06 /130 R

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L - MBFELDMAN (SUBS)
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-----061869 060553Z /23

R 052146Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA

C O N F I D E N T I A L STATE 289729

E.O. 11652: GDS

TAGS: PBOR, PLOS, CA

SUBJECT: US NOTE REPLYING TO CANADA'S NEW BOUNDARY CLAIM IN
GULF OF MAINE

REF: (A) OTTAWA 9767; (B) OTTAWA 9553

1. FOLLOWING IS TEXT OF CONFIDENTIAL NOTE EUR/CAN GAVE
CANADIAN EMBASSY DECEMBER 2. NOTE REPLIED TO EXTERNAL AFFA-
IRS' NOVEMBER 3 NOTE TO EMBASSY OTTAWA EXTENDING CANADIAN
BOUNDARY CLAIM IN GULF OF MAINE AS REPORTED REF (B). CANA-
DIAN EMBASSY OFFICER ASKED WHETHER WE PLANNED RELEASE NOTE
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AND WAS TOLD THAT OUR NOTE WAS CONFIDENTIAL JUST AS CANADIAN
NOTE HAD BEEN AND THAT WE DID NOT PLAN TO PUBLISH OUR NOTE.

2. BEGIN TEXT --

THE DEPARTMENT OF STATE REFERS TO NOTE GNT-067 OF THE DEPART-
MENT OF EXTERNAL AFFAIRS DELIVERED IN OTTAWA ON NOVEMBER 3,

1977.

AS SUBSEQUENT CONVERSATIONS WITH UNITED STATES OFFICIALS HAVE CONFIRMED, THE GOVERNMENT OF THE UNITED STATES CANNOT ACCEPT THE CONTENTION THAT THE LINE DESCRIBED IN THAT NOTE AND SET FORTH IN THE ATTACHMENTS TO THAT NOTE WOULD CONSTI-

TUTE A MARITIME BOUNDARY IN ACCORDANCE WITH EQUITABLE PRINCIPLES. FURTHERMORE, THE GOVERNMENT OF THE UNITED STATES CANNOT AGREE THAT THE AWARD IN THE ANGLO-FRENCH CONTINENTAL SHELF DELIMITATION ARBITRATION JUSTIFIES THE EXPANSION OF BOUNDARY CLAIMS BY CANADA. THE GOVERNMENT OF THE UNITED STATES IS DISAPPOINTED THAT THE GOVERNMENT OF CANADA WOULD TAKE THIS STEP WHICH IS INCONSISTENT WITH THE PROCESS THE TWO GOVERNMENTS HAVE UNDERWAY AIMED AT NARROWING DIFFERENCES THROUGH NEGOTIATIONS IN GOOD FAITH TO REACH A COMPREHENSIVE SOLUTION. THE GOVERNMENT OF THE UNITED STATES CANNOT BE EXPECTED TO TAKE INTO ACCOUNT AN EXPANDED CANADIAN CLAIM FOR PURPOSES OF THESE NEGOTIATIONS.

IN THIS CONNECTION, THE GOVERNMENT OF THE UNITED STATES WISHES TO REITERATE ITS VIEW, AS CONFIRMED BY THE AWARD IN THE AFOREMENTIONED ARBITRATION, THAT INTERNATIONAL LAW REQUIRES THAT MARITIME BOUNDARIES BE ESTABLISHED IN ACCORDANCE WITH EQUITABLE PRINCIPLES. AS NOTED IN EARLIER DISCUSSIONS, IT IS THE VIEW OF THE UNITED STATES THAT THE EQUI-

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DISTANT LINE ALREADY CLAIMED BY CANADA IS NOT IN CONFORMITY WITH EQUITABLE PRINCIPLES BECAUSE OF THE SPECIAL CIRCUMSTANCES OF THE AREA. THEREFORE, THE GOVERNMENT OF THE UNITED STATES CAN LOOK WITH NO SYMPATHY ON ANY CANADIAN CLAIM OR POSITION THAT FURTHER AGGRAVATES THAT INEQUITY. IN THE VIEW OF THE UNITED STATES GOVERNMENT, A MARITIME BOUNDARY IN THE GULF OF MAINE AREA THAT ACCORDS WITH EQUITABLE PRINCIPLES IS A LINE WHICH TAKES INTO ACCOUNT THE COASTAL CONFIGURATION OF THE AREA, PARTICULARLY THE DISTORTING EFFECT ON AN EQUIDISTANT LINE OF THE CONCAVITY OF THE U.S. COASTLINE AND THE PROTRUSION OF THE PENINSULA OF NOVA SCOTIA. SUCH A LINE SHOULD PRODUCE A DELIMITATION CONSISTENT WITH THE PRINCIPLE OF NATURAL PROLONGATION AND WITH A REASONABLE DEGREE OF PROPORTIONALITY WITH THE LENGTH OF THE RELEVANT COASTLINES OF THE TWO COUNTRIES.

THE GOVERNMENT OF THE UNITED STATES CONTINUES TO BE HOPEFUL THAT THE PRESENT MARITIME BOUNDARY AND RESOURCE NEGOTIATIONS WILL REACH A MUTUALLY SATISFACTORY ACCOMMODATION OF THE RESPECTIVE MARITIME INTERESTS OF THE TWO COUNTRIES. IT RESERVES THE RIGHT, IF NECESSARY, TO MAKE A MORE DETAILED RESPONSE TO NOTE GNT-067 AT A LATER TIME. END TEXT. VANCE

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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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